

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 574 be amended to read as follows:

- 1 Page 12, between lines 38 and 39, begin a new paragraph and insert:
2 "SECTION 12 IC 6-9-35 IS ADDED TO THE INDIANA CODE
3 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2005]:
5 **Chapter 35. Hendricks County Innkeeper's Tax**
6 **Sec. 1. (a) This chapter applies to a county having a population**
7 **of more than one hundred thousand (100,000) but less than one**
8 **hundred five thousand (105,000) that had adopted an innkeeper's**
9 **tax under IC 6-9-18 before July 1, 2005.**
10 **(b) The:**
11 **(1) convention, visitor, and tourism promotion fund;**
12 **(2) convention and visitor commission;**
13 **(3) innkeeper's tax rate; and**
14 **(4) tax collection procedures;**
15 **established under IC 6-9-18 before July 1, 2005, remain in effect**
16 **and govern the county's innkeeper's tax until amended under this**
17 **chapter.**
18 **(c) A member of the convention and visitor commission**
19 **established under IC 6-9-18 before July 1, 2005, shall serve a full**
20 **term of office. If a vacancy occurs, the appointing authority shall**
21 **appoint a qualified replacement as provided in this chapter. The**
22 **appointing authority shall make other subsequent appointments to**
23 **the commission as provided in this chapter.**
24 **Sec. 2. As used in this chapter:**
25 **(1) "executive" and "fiscal body" have the meanings set forth**

1 in IC 36-1-2; and

2 (2) "gross retail income" and "person" have the meanings set
3 forth in IC 6-2.5-1.

4 Sec. 3. (a) The fiscal body of a county may levy a tax on every
5 person engaged in the business of renting or furnishing, for periods
6 of less than thirty (30) days, any room or rooms, lodgings, or
7 accommodations in any:

8 (1) hotel;

9 (2) motel;

10 (3) boat motel;

11 (4) inn;

12 (5) college or university memorial union;

13 (6) college or university residence hall or dormitory; or

14 (7) tourist cabin;

15 located in the county.

16 (b) The tax does not apply to gross income received in a
17 transaction in which:

18 (1) a student rents lodgings in a college or university residence
19 hall while that student participates in a course of study for
20 which the student receives college credit from a college or
21 university located in the county; or

22 (2) a person rents a room, lodging, or accommodations for a
23 period of thirty (30) days or more.

24 (c) The tax may not exceed the rate of seven percent (7%) on the
25 gross retail income derived from lodging income only and is in
26 addition to the state gross retail tax imposed under IC 6-2.5.

27 (d) The county fiscal body may adopt an ordinance to require
28 that the tax be reported on forms approved by the county treasurer
29 and that the tax shall be paid monthly to the county treasurer. If
30 such an ordinance is adopted, the tax shall be paid to the county
31 treasurer not more than twenty (20) days after the end of the
32 month the tax is collected. If such an ordinance is not adopted, the
33 tax shall be imposed, paid, and collected in exactly the same
34 manner as the state gross retail tax is imposed, paid, and collected
35 under IC 6-2.5.

36 (e) All of the provisions of IC 6-2.5 relating to rights, duties,
37 liabilities, procedures, penalties, definitions, exemptions, and
38 administration are applicable to the imposition and administration
39 of the tax imposed under this section except to the extent those
40 provisions are in conflict or inconsistent with the specific provisions
41 of this chapter or the requirements of the county treasurer. If the
42 tax is paid to the department of state revenue, the return to be filed
43 for the payment of the tax under this section may be either a
44 separate return or may be combined with the return filed for the
45 payment of the state gross retail tax as the department of state
46 revenue may, by rule, determine.

(f) If the tax is paid to the department of state revenue, the amounts received from the tax imposed under this section shall be paid monthly by the treasurer of state to the county treasurer upon warrants issued by the auditor of state.

Sec. 4. (a) The county treasurer shall establish a convention, visitor, and tourism promotion fund. The treasurer shall deposit in this fund all amounts the treasurer receives under that section.

(b) The county auditor shall issue a warrant directing the county treasurer to transfer money from the convention, visitor, and tourism promotion fund to the treasurer of the commission established under section 5 of this chapter if the commission submits a written request for the transfer.

(c) Subject to subsection (e), money in a convention, visitor, and tourism promotion fund, or money transferred from such a fund under subsection (b), may be expended:

(1) to promote and encourage conventions, visitors, and tourism within the county; and

(2) for the development of a county park system.

Expenditures under subdivision (1) may include, but are not limited to, expenditures for advertising, promotional activities, trade shows, special events, and recreation.

(d) If before July 1, 1997, the county issued a bond with a pledge of revenues from the tax imposed under IC 6-9-18-3, the county shall continue to expend money from the fund for that purpose until the bond is paid.

(e) Tax revenues attributable to a tax rate that exceeds five percent (5%) must be divided equally between the expenditures authorized under subsection (c)(1) and (c)(2).

Sec. 5. (a) The county executive shall create a commission to promote the development and growth of the convention, visitor, and tourism industry in the county. If two (2) or more adjoining counties desire to establish a joint commission, the counties shall enter into an agreement under IC 36-1-7.

(b) The county executive shall determine the number of members, which must be an odd number, to be appointed to the commission. A simple majority of the members must be:

(1) engaged in a convention, visitor, or tourism business; or

(2) involved in or promoting conventions, visitors, or tourism.

If available and willing to serve, at least two (2) of the members must be engaged in the business of renting or furnishing rooms, lodging, or accommodations (as described in section 3 of this chapter). Not more than one (1) member may be affiliated with the same business entity. Not more than a simple majority of the members may be affiliated with the same political party. Each member must reside in the county. The county executive shall also determine who will make the appointments to the commission,

1 except that the executive of the largest municipality in the county
2 shall appoint a number of the members of the commission, which
3 number shall be in the same ratio to the total size of the commission
4 (rounded off to the nearest whole number) that the population of
5 the largest municipality bears to the total population of the county.

6 (c) If a municipality other than the largest municipality in the
7 county collects fifty percent (50%) or more of the tax revenue
8 collected under this chapter during the three (3) month period
9 following imposition of the tax, the executive of the municipality
10 shall appoint the same number of members to the commission that
11 the executive of the largest municipality in the county appoints
12 under subsection (b).

13 (d) Except as provided in subsection (c), all terms of office of
14 commission members begin on January 1. Initial appointments
15 must be for staggered terms, with subsequent appointments for two
16 (2) year terms. A member whose term expires may be reappointed
17 to serve another term. If a vacancy occurs, the appointing authority
18 shall appoint a qualified person to serve for the remainder of the
19 term. If an initial appointment is not made by February 1 or a
20 vacancy is not filled within thirty (30) days, the commission shall
21 appoint a member by majority vote.

22 (e) A member of the commission may be removed for cause by
23 the member's appointing authority.

24 (f) Members of the commission may not receive a salary.
25 However, commission members are entitled to reimbursement for
26 necessary expenses incurred in the performance of their respective
27 duties.

28 (g) Each commission member, before entering the member's
29 duties, shall take an oath of office in the usual form, to be endorsed
30 upon the member's certificate of appointment and promptly filed
31 with the clerk of the circuit court of the county.

32 (h) The commission shall meet after January 1 each year for the
33 purpose of organization. It shall elect one (1) of its members
34 president, another vice president, another secretary, and another
35 treasurer. The members elected to those offices shall perform the
36 duties pertaining to the offices. The first officers chosen shall serve
37 from the date of their election until their successors are elected and
38 qualified. A majority of the commission constitutes a quorum, and
39 the concurrence of a majority of the commission is necessary to
40 authorize any action.

41 Sec. 6. (a) The commission may:

- 42 (1) accept and use gifts, grants, and contributions from any
43 public or private source, under terms and conditions that the
44 commission considers necessary and desirable;
45 (2) sue and be sued;
46 (3) enter into contracts and agreements;

1 (4) make rules necessary for the conduct of its business and
2 the accomplishment of its purposes;

3 (5) receive and approve, alter, or reject requests and
4 proposals for funding by corporations qualified under
5 subdivision (6);

6 (6) after its approval of a proposal, transfer money, quarterly
7 or less frequently, from the fund established under section
8 4(a) of this chapter, or from money transferred from that
9 fund to the commission's treasurer under section 4(b) of this
10 chapter, to any Indiana nonprofit corporation to promote and
11 encourage conventions, visitors, or tourism in the county; and

12 (7) require financial or other reports from any corporation
13 that receives funds under this chapter.

14 (b) All expenses of the commission shall be paid from the fund
15 established under section 4(a) of this chapter or from money
16 transferred from that fund to the commission's treasurer under
17 section 4(b) of this chapter. The commission shall annually prepare
18 a budget, taking into consideration the recommendations made by
19 a corporation qualified under subsection (a)(6), and submit it to the
20 county fiscal body for its review and approval. An expenditure may
21 not be made under this chapter unless it is in accordance with an
22 appropriation made by the county fiscal body in the manner
23 provided by law.

24 Sec. 7. All money coming into possession of the commission shall
25 be deposited, held, secured, invested, and paid in accordance with
26 statutes relating to the handling of public funds. The handling and
27 expenditure of money coming into possession of the commission is
28 subject to audit and supervision by the state board of accounts.

29 Sec. 8. (a) A member of the commission who knowingly:

30 (1) approves the transfer of money to any person or
31 corporation not qualified under law for that transfer; or

32 (2) approves a transfer for a purpose not permitted under
33 law;

34 commits a Class D felony.

35 (b) A person who receives a transfer of money under this
36 chapter and knowingly uses that money for any purpose not
37 permitted under this chapter commits a Class D felony."

38 Renumber all SECTIONS consecutively.

(Reference is to ESB 574 as printed March 18, 2005.)

Representative Whetstone